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PART II—Section 2

प्रारंभिकार से प्रकाशित

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इस भागमें बिना पृष्ठ संख्या दी जाती है ताकि । संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 2nd August, 1991:—

BILL No. 74 OF 1991

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1991.

Short title.

2. In article 81 of the Constitution, the proviso to clause (3) shall be omitted.

Amend-
ment of
article
81.

3. In article 82 of the Constitution, the third proviso shall be omitted.

Amend-
ment of
article
82.

4. In article 170 of the Constitution, in clause (2), the proviso to Explanation shall be omitted.

Amend-
ment of
article
170.

Amend-
ment of
article
330.

5. In article 330 of the Constitution,—

(i) in clause (2), the following proviso shall be added at the end, namely:—

“Provided that the constituencies in which seats are reserved for the Scheduled Castes and Scheduled Tribes, and in which more than ten per cent. of the eligible voters belong to a Scheduled Caste or a Scheduled Tribe, shall be rotated after every census.”;

(ii) in clause (3), the proviso to *Explanation* shall be omitted.

Amend-
ment of
article
332.

6. In article 332 of the Constitution, in clause (3A), the words and figures “on the basis of the first census after the year 2000,” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

According to the provisions of the Constitution there is a bar on the allocation of seats in the House of the People and the State Legislative Assemblies and re-adjustment of division of Seats into territorial constituencies in respect of Elections to Lok Sabha and State Assemblies till the relevant figures for the first census taken after the year of 2000 have been published. At present, the allocation of seats and adjustment of territorial constituencies have been done on the basis of 1971 census. Since 1971, census was held in 1981 and 1991, for which the relevant figures have been published. However, due to the constitutional bar, the allocation of seats and re-adjustment of territorial constituencies cannot be effected until the first census after the year 2000 has been taken.

The population of Scheduled Castes and Scheduled Tribes has increased many fold since 1971 and consequent of the increase in population the number of constituencies in which seats are reserved for them should have been increased. Several Lok Sabha and Assembly seats are reserved for the Scheduled Castes and Scheduled Tribes from the very first General Election. It will be appropriate if the seats reserved for these communities are rotated after every 10 years so that many constituencies can be benefited by this. The Bill seeks to amend the relevant articles of the Constitution with a view to provide for the allocation and re-adjustment of seats for Lok Sabha and State Assemblies on the basis of last preceding census before the elections are held and for rotation of seats reserved for Scheduled Castes and Scheduled Tribes.

Hence this Bill.

NEW DELHI:

July 4, 1991.

MOHAN SINGH.

BILL NO. 68 OF 1991

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1991.

Amend-
ment of
Eighth
Schedule.

2. In the Eighth Schedule to the Constitution,—

(a) entries 9 to 15 shall be re-numbered as entries 10 to 16 respectively; and

(b) before entry “10” as so re-numbered, the entry “9 Nepali.” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Nepali is a daughter language of Sanskrit. The Nepali script is definitely Indian, as there is no difference between the Devanagari script used for modern Hindi and the script used for modern Nepali. Bengali and Nepali languages have very close affinity. There are, on a modest estimate, two to three crores of Nepali-speaking people in India. The actual figure might be much higher, as Nepali is one of the dominant languages of the lower Himalayan and sub-Himalayan regions. As a matter of fact, Nepali is more or less *lingua-franca* used throughout the Himalayan region.

It is, therefore, in the fitness of things that the language be added to the Eighth Schedule to the Constitution.

Hence this Bill.

NEW DELHI;

July 4, 1991.

CHITTA BASU

Bill No. 70 of 1991

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1991

Insertion of new Part XIA.

2. In the Constitution after Part XI, the following part shall be inserted, namely:—

"PART XIA

PLANNED DEVELOPMENT OF THE COUNTRY

Constitution of National Development Council.

263A. (1) The President shall constitute a National Development Council, hereinafter referred to as "Council", with the Prime Minister as its Chairman.

(2) The Council shall consist of the Union Ministers of Finance and Planning, Chief Ministers of States, Ministers of Finance or Economic Affairs in the States and such number of eminent economists and financial and planning experts as the President may appoint to the Council from time to time.

263B. (1) Subject to the provisions of Parts III and IV of the Constitution, the Council shall prepare an Approach Document for National Development Plan for the development of the country as a whole for a period of five years or for such period as may be decided by the Council setting in broad terms the aims and objects of the Plan and laying down the guidelines for the Planning Commission constituted under article 263C.

Functions
of National
Develop-
ment
Council.

(2) The Council shall from time to time make an appraisal of the progress achieved in the implementation of each stage of the Plan and issue guidelines to the Planning Commission for adjustment of policies and measures that may appear to be necessary in the light of such appraisal to achieve the object as laid down in the Approach Document.

263C. (1) The President shall constitute a Planning Commission with the Prime Minister as its Chairman.

Constitu-
tion of
Planning
Commis-
sion.

(2) The Planning Commission shall consist of the Union Ministers of Planning and Finance and eight other members to be appointed by the President from amongst the eminent economists and financial and planning experts.

(3) The Union Minister of Planning shall act as the Deputy Chairman of the Planning Commission.

263D. (1) The Planning Commission shall formulate a National Development Plan for a period of five years or for such period as may be decided by the Council for the effective and balanced utilisation of the country's resources and the Plan so formulated by the Planning Commission shall adhere to the Approach Document prepared by the Council.

Functions
of the
Planning
Commission

(2) The National Development Plan so formulated by the Planning Commission shall be submitted to the National Development Council for its approval.

(3) The Planning Commission shall take steps for the implementation of the approved Plan in co-ordination with the concerned Ministries and Departments of the Central Government and the State Governments.

(4) The Planning Commission shall from time to time make appraisal of the progress achieved in the implementation of each stage of the Plan and shall recommend to the Council the objectives, policies and measures that may appear to be necessary in the light of such appraisal for achieving the aims and objectives as set down under clause (1) of article 263B.

(5) The Planning Commission shall make such interim recommendations as appear to it to be appropriate either for facilitating the discharge of the duties assigned to it by the Council or for taking into consideration the prevailing economic conditions, current policies, measures and development programmes, or for examining such specific problems as may be referred to it for advice by the Central Government or a State Government.

(6) The Planning Commission shall have the power to determine its procedure of work and shall have such other powers in the matter of performance of its functions as the Council may confer on it and shall be accountable to the Council for its performance.

(7) The Planning Commission shall have power to issue such directives to various Ministries and Departments of the Central Government and the State Governments as it may consider necessary to achieve the successful and effective implementation of the various stages of the National Development Plan.”.

STATEMENT OF OBJECTS AND REASONS

The need for economic co-ordination and planning to solve the complex and diverse problems facing our nation can hardly be over emphasised.

The National Development Council was envisaged as the highest policy making body on social and economic issues and the Planning Commission as an instrument to implement the Council's directions. But, unfortunately, both of them over the years have functioned in a manner entirely different from what was originally envisaged. The purposes for which they were designed have been practically defeated. The deliberations in the Council, which meets rather infrequently are hardly different from mere rituals. Little scope exists in the meetings for any substantive deliberations on very vital economic issues facing the country at different points of time. Experience has shown that there have been long periods of hibernation even when plans have run into serious difficulties because of inflation, shortage of resources, shrinkage of external aids and political instability in many parts of the country. Instead of deliberating on the policy issues and distortions of the plan strategy resulting in the dilution of the self-reliance, increasing regional imbalances, concentration of wealth in fewer hands and alarmingly widening disparities between income and assets of the vast multitudes and the tiny few. The only regular feature of the functioning of the National Development Council is to approve the draft plans after they are finalised by the Centre ignoring the approaches and views of the State Governments. Whatever might be the trends of discussion in the National Development Council, the outcome is invariably the unanimous ratification of the plan size.

The Planning Commission has similarly been transformed into an appendage of the Union Government. It is devoid of authority, power and initiative. It has therefore failed to respond to the needs of the people and fulfil its assigned role.

The Planning Commission, an extra-constitutional body, has often tinkered with the overall size of the States' outlays and haggled over the annual plan and non-plan assistance and the proportions of loans and grants. But it has shown no interest in encouraging and helping them to draw up coherent plans with the aid of the expert State-level Planning machinery.

The situation may be remedied if the National Development Council and Planning Commission are made constitutional bodies with well defined composition and functions deriving their authority and powers from the Constitution itself. These bodies should be so designed as to make them nodal agencies between the Union and the States in matters relating to economic co-ordination and planning.

The Bill seeks to achieve these objectives.

NEW DELHI-

July 4, 1991.

CHITTA BASU

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the constitution of National Development Council and Planning Commission which *inter alia* shall consist of eminent economists and financial and planning experts. Payments will have to be made to them in the form of travelling allowance, daily allowance, etc. when the meetings of the National Council and Planning Commission take place. The Bill, if enacted, will therefore, involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten lakhs per annum.

It is also likely to involve a non-recurring expenditure of about rupees two lakhs.

BILL NO. 71 OF 1991*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1991. Short title.
2. After article 16 of the Constitution, the following article shall be inserted, namely:—
“16A. All adult citizens shall have the right to work, that is to say, the right to guaranteed employment and payment for their work in accordance with its quantity and quality, so as to ensure them adequate means of livelihood.”. Insertion of new article 16A.

Right to work.

STATEMENT OF OBJECTS AND REASONS

Democracy without universal facility for education followed by total guarantee for employment is a farce. Any talk of liberty, freedom and democracy is an insult to those who do not have an opportunity to get employment after their education. Unemployment is increasing day by day in our country. The number of registered unemployed persons is almost three crores. Besides, there are crores of people who have not registered their names in the employment exchanges. This is causing erosion of moral values and frustration among the youth of our country. It seems the Government is not serious in taking effective measures to provide jobs to all unemployed. Though the right to work is mentioned in the Directive Principles, it remains outside the purview of the courts of law. If the right to work is made a Fundamental Right the person seeking employment unsuccessfully can seek the help of the courts of law to force the Government in providing job to him. Right to work as a fundamental right will give a new direction and responsibility to the Government to take all necessary measures to guarantee employment to the people. If the Government fails to provide employment, it should provide adequate compensation to the unemployed persons.

Hence this Bill.

NEW DELHI:

July 4, 1991.

CHITTA BASU.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that all adult citizens shall have the right to work and payment for their work in accordance with its quantity and quality so as to ensure them adequate means of livelihood. The Central Government and State Governments shall have to take steps to provide employment to adult citizens who remain unemployed. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India in respect of Central Schemes and for providing of financial assistance to Union territories Governments. An annual recurring expenditure of about rupees two hundred crores is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crores is also likely to be involved.

BILL No. 69 OF 1991

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 1991.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new article 19A.

2. After article 19 of the Constitution, the following article shall be inserted, namely:—

“19A. (1) Every citizen shall be entitled to have full and complete information regarding the affairs of the State and official acts of those who represent them as public officials and employees.

Right to information.

(2) Nothing in this article shall prevent the State from making any law, from time to time, prescribing the types of information which may need protection from disclosure.”.

STATEMENT OF OBJECTS AND REASONS

Innumerable instances can be given where even most trivial matters are treated as secret and confidential, although they do not serve any interest of the nation except perhaps saving the Government from embarrassment. The reports of various enquiry committees and commissions (like plane crashes or accidents) are treated as secret. It may be recalled that even the recommendations of the Inter-Departmental Study Group set up by the Government in 1977 to look into the Official Secrets Act, 1913 have been treated as confidential. The then Home Minister Shri H. M. Patel stated in Lok Sabha in July, 1979 that it would not be in the "public interest" to disclose the recommendations of the Study Group.

Though openness is essential to the functioning of a democratic society, yet secrecy also bears the same quality so as to protect certain vital national interests and for a few other reasons. A proper balance has to be made between the needs of openness and the requirements of secrecy, but this balance has to be tilted in favour of openness than it had been hitherto. In other words, till now secrecy was the rule rather than the exception, but this proposition has now to be reversed. The exceptions to openness should be well defined and formulated. The general and the vague expression "public interest" cannot be a ground for secrecy. It is essential to lay down more definite guidelines for exercising secrecy by the Government.

It is for this reason that right to information is sought to be made a fundamental right of the citizen. Of course, it is conceded that there will be certain documents which need protection and which cannot be revealed e.g. information prejudicial to the security of the State, information concerning defence or security of the nation, foreign relations, Cabinet proceedings and documents, etc. State should be empowered to make laws in which official documents which are to be kept secret shall be closely defined.

The Bill seeks to achieve this objective to some extent

NEW DELHI:

July 4, 1991.

CHITTA BASU.

K. C. RASTOGI,
Secretary-General

